

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator's Certificate of)	ORDER OF PUBLIC REPRIMAND
)	
Alice M. Smith)	
)	
Certificate # 196160)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2003. On October 8, 2002, the State Department of Education (Department) sent a notice of hearing of the possible suspension or revocation of her South Carolina Educator's Certificate (certificate) to Ms. Alice M. Smith by certified mail, restricted delivery, and return receipt requested. Mrs. Smith received this notice as evidenced by a postal receipt bearing her signature. Ms. Smith initially requested a hearing. Subsequent to this request, the Department and Mrs. Smith, through her attorney, Julian L. Stoudemire, Esquire, proposed to resolve this matter without a hearing. After considering the proposal of the parties and the evidence presented, the State Board voted to issue an Order of Public Reprimand which will be reported to all school districts in South Carolina and kept on file in the Office of General Counsel of the Department as a public record.

Ms. Smith holds a valid South Carolina certificate, and has over two years of teaching experience. During the 2001-2002 school year, Ms. Smith was a teacher at Seneca Middle School in the Oconee Country School District (District). On May 1, 2002, the District placed Ms. Smith on administrative leave from her position as a teacher at Seneca Middle School pending the outcome of the State Law Enforcement Division (SLED) investigation into allegations that she violated state test security laws and regulations during the administration of the Palmetto Achievement Challenge Test (PACT) to sixth graders on April 29 and 30, 2002.

Allegations were made against Ms. Smith by a few students that she told two students what the writing prompt was for day 2 when they came to her office early on day 1 to work on the yearbook; that she told another student to change her answers because she did not want her class scores to suffer from this student's mistakes, that she told another student to go back and finish answering the questions he omitted; and that she conducted a class review at the end of day 1 about how to prepare for the writing prompt during which she presented the actual prompt as an example.

Ms Smith admits telling one student to write larger and telling another to go back and finish because his test booklet was stuck together and he did not see all of the questions. She denies telling any student to change an answer, that she did not tell any students in advance

what the writing prompt would be, or that she used the actual prompt as an example during the review. She did admit that another student brought up a topic similar to the prompt during the review. Ms. Smith vehemently denied all other allegations.

A copy of the SLED report was shared with the Department and the Tenth Circuit Solicitor. The Solicitor decided that criminal intent was not present and did not prosecute Ms. Smith. Ms. Smith was reinstated to her position and taught at Seneca Middle School during the 2002-2003 school year. The District offered her a contract for the 2003-2004 school year. Ms. Smith stated she might have unintentionally violated some test security procedures.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regulation 43-58 (1992). The Board finds that the preponderance of the evidence presented supports its conclusion that just cause does not exist to suspend or revoke Ms. Smith's certificate; however, cause does exist for a Public Reprimand of Ms. Smith's conduct during the PACT testing. Accordingly, the Board hereby issues this Order of Public Reprimand as set forth above.

South Carolina State Board of Education

/S/ Greg Killian
Greg Killian
Chair

Columbia, South Carolina
May 13, 2003